



DAE ZW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KANTSCHUK, Amir et al. Examiner: LUGO, David B.
Serial No.: 09/721,759 Group Art Unit: 2637
Filed: November 27, 2000 Attorney Docket No.: P-3708-US
Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION
IN A MODEM POOL ENVIRONMENT

Mail Stop: Issue Fee
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

This petition is filed in response to the Notice of Abandonment dated October 25, 2005 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A copy of the Notice is attached hereto as **Exhibit A**.

The Notice is incorrect and was issued in error. According to the Notice of Allowance, mailed on March 22, 2005 and attached hereto as **Exhibit B**, the issue fee was due to be paid on June 22, 2005. On June 21, 2005, Applicants filed the Issue Fee Transmittal and Comments on Statement of Reasons for Allowance with the United States Patent and Trademark Office, attached hereto as **Exhibit C**. A copy of the postcard receipt stamped by the United States Patent and Trademark Office, evidencing receipt of the issue fee by the Patent Office on June 21, 2005, is attached hereto as **Exhibit D**.

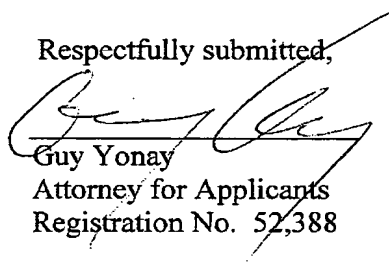
Based on the above, the Issue Fee Transmittal was timely filed with the United States Patent and Trademark Office. Accordingly, Applicants respectfully request that the United

APPLICANTS: KANTSCHUK, Amir
SERIAL NO.: 09/721,759
FILED: November 27, 2000
Page 2

States Patent and Trademark Office withdraw the holding of abandonment and allow issuance of the above-referenced patent application.

No fee is believed to be due, as this petition resulted from an error by the USPTO. However, if any fee is required, the undersigned attorney hereby authorizes the Patent Office to charge such additional fee to Deposit Account 50-3355.

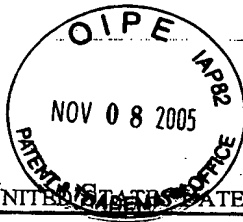
Respectfully submitted,



Guy Yonay
Attorney for Applicants
Registration No. 52,388

Dated: November 7, 2005

Pearl Cohen Zedek Latzer, LLP
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3490



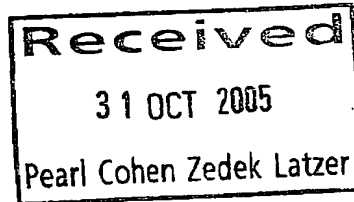
UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,759	11/27/2000	Amir Kantschuk	P-3708-US	3882
27130	7590	10/25/2005		
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020				
			EXAMINER LUGO, DAVID B	
			ART UNIT 2637	PAPER NUMBER

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.





Notice of Abandonment

Application No.

09/721,759

Examiner

Lugo

Applicant(s)

Kantschuk

Art Unit

2637

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address–

This application is abandoned in view of:

1. ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) ☐ No reply has been received.
2. ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☒ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

slk

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.



Attachment to Notice of Abandonment

**For questions concerning the notice contact
Office of Patent Publication
Image Assistance Center: 888-786-0101.**

Information is also available on the USPTO Internet web site:
<http://www.uspto.gov/web/patents/pubs/abandonnotice.html>

Respond to the Notice of Abandonment by one of the following:

1. Petition To Withdraw Holding of Abandonment (See MPEP 711.03(c) I and 37 CFR § 1.181) No fee required

Where an applicant contends that the application is not in fact abandoned (e.g., a reply was in fact filed), a petition under 37 CFR § 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action. Any petition under 37 CFR § 1.181 to withdraw the holding of abandonment not filed within 2 months of the mail date of a Notice of Abandonment may be dismissed as untimely under 37 CFR § 1.181(f). In order for a petition to be granted, the evidence must be sufficient according to 37 CFR § 1.8(b) Certificate of Mailing, 37 CFR § 1.10 "Express Mail" mailing or MPEP 503 Postcard Receipt as Prima Facie Evidence. The petition should be addressed as follows:

By mail: Mail Stop: Issue Fee, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

2. Petition To Withdraw Holding Of Abandonment Based On Failure To Receive Office Action (MPEP 711.03(c) II and 37 CFR § 1.181). No fee required

Where an applicant contends that the original Notice of Allowance and Fee(s) Due was never received, if adequately supported, the Office may grant the petition and remail the Office action. The showing required establishing non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the nonreceived Office would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

Petition should be addressed to the Technology Center handling the application as follows:

By mail: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

3. Petition To Revive An Abandoned Application (See MPEP 711.03(c) III)

Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment) a petition under 37 CFR § 1.137 (a) or (b) (accompanied by the appropriate petition fee) is necessary to revive the abandoned application. The text of these rules is available on the USPTO Internet Web site. Forms for these petitions, "Petition For Revival Of An Application For Patent Abandoned Unavoidably Under 37 CFR § 1.137(a)," PTO/SB/61, and "Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b)," PTO/SB/64, are available in the forms section of the USPTO website: <http://www.uspto.gov>.

Petitions under 37 CFR § 1.137 should be addressed to the Office of Petitions as follows:

By mail: Mail Stop Petition, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450
By facsimile: 703-872-9306

Note: Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

NOTICE OF ALLOWANCE AND FEE(S) DUE

27130

7590

03/22/2005

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

EXAMINER

LUGO, DAVID B

ART UNIT

PAPER NUMBER

2637

DATE MAILED: 03/22/2005

Received
29 MAR 2005

APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,759	11/27/2000	Amir Kantschul Pearl Cohen Zeck Latzer	P-3708-US	3882

TITLE OF INVENTION: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	06/22/2005

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS** FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail**

**Mail Stop ISSUE Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000**

or **Fax**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27130 7590 03/22/2005

EITAN, PEARL, LATZER & COHEN ZEDER
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,759	11/27/2000	Amir Kantschuk	P-3708-US	3882

TITLE OF INVENTION: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$0	\$700	06/22/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUGO, DAVID B	2637	375-222000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

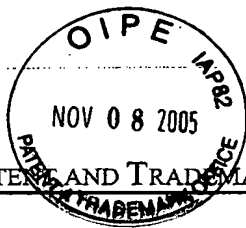
Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1430
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,759	11/27/2000	Amir Kantschuk	P-3708-US	3882
27130	7590	03/22/2005		
EITAN, PEARL, LATZER & COHEN ZEDEK LLP 10 ROCKEFELLER PLAZA, SUITE 1001 NEW YORK, NY 10020				
			EXAMINER LUGO, DAVID B	
			ART UNIT 2637	PAPER NUMBER
DATE MAILED: 03/22/2005				

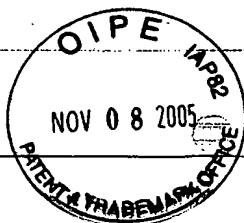
Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)
(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 759 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 759 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.



Notice of Allowability

Application No.

09/721,759

Examiner

David B. Lugo

Applicant(s)

KANTSCHUK ET AL.

Art Unit

2637

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address-
All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/29/04.
2. ☒ The allowed claim(s) is/are 1-30,32,33 and 36-40.
3. ☒ The drawings filed on 27 November 2000 and 26 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date <u>12/29/04</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after allowance or after an Office action under *Ex Parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935). Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, prosecution in this application has been reopened pursuant to 37 CFR 1.114.

Applicant's submission filed on 12/29/04 has been entered.

Allowable Subject Matter

2. Claims 1-30, 32, 33 and 36-40 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach measuring a NEXT transfer function for a target modem in a first modem pool coupled to a second modem pool via a communications channel while deactivating a modem in the second modem pool, or preventing or in the absence of communications via said communication channel as recited in claims 1, 14, 19, 27 and 36.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David B. Lugo whose telephone number is 571-272-3043. The examiner can normally be reached on M-F; 9:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David Lugo
3/8/05


KHAI TRAN
PRIMARY EXAMINER

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231

Applicant(s): KANTSCHUK, Amir et al.

Serial No. /Patent No.: 09/721,759

PCZL Docket No.: P-3708-US

Hand Delivered on: June 21, 2005

Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT

1. ☐ Provisional Cover Sheet
2. ☐ Utility Patent Application Transmittal
3. ☐ RCE Transmittal Sheet
4. ☐ Fee Transmittal Sheet
5. ☐ Patent Application Under 35 USC 111(a)
- ☐ Provisional Patent Application Under 35 USC 111(b)
- ☐ Transmittal Sheet for Entering National Phase
- Containing:
- ___ Pages of Specification
- ___ Pages of Claims
- ___ Page of Abstract
- ___ Pages of Formal Drawings
- ___ Pages of ___
6. ☐ Signed Declaration & Power of Attorney
7. ☐ Request for Correction of Recordation of Assign. and:
- Recordation Cover Sheet
- Copy of Notice of Recordation of Assign.
8. ☐ Recordation of Assign. Cover Sheet & Signed Assign.
9. ☐ Response to Notice to File Missing Parts
10. ☐ Response to Notice of Incomplete Reply
11. ☐ Request for Correction of Filing Receipt
12. ☐ Information Disclosure Statement including:
- Form PTO 1449 and references ___
13. ☐ Preliminary Amendment
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15. ☐ Petition for a One Month(s) Extension of Time
16. ☐ Notice of Appeal ☐ Appeal Brief ___
17. ☒ Issue Fee Transmittal ☐ Publication Fee
18. ☐ Submission of Formal Drawings: Two sets of ___ Sheets containing Figs. ___
19. ☐ Certified Copy of Priority Doc.
20. ☐ Claim for Convention Priority
21. ☐ Revocation and Power of Attorney, including:
- Statement Under 37 CFR 3.73(b)
- Copy of Assignment
22. ☐ Other: ___

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to:

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Mail Stop ISSUE FEE
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450
(703) 746-4000

or Fax

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

27130 7590 03/22/2005

EITAN, PEARL, LATZER & COHEN ZEDEK LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020



Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (703) 746-4000, on the date indicated below.

(Depositor's Name)

(Signature)

(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/721,759	11-27-2000	KANTSCHUK, Amir	P-3708-US	3882

TITLE OF INVENTION: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DUE DATE
nonprovisional	YES	\$700	\$0	\$700	06/22/2005

EXAMINER	ART UNIT	CLASS-SUBCLASS
LUGO, David B.	2634	375-222000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (have as a member a registered attorney or agent) and the names of up to two registered patent attorneys or agents. If no name is listed, no name will be printed.

1 PEARL COHEN ZEDEK

2 LATZER, LLP

3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

ACTELIS NETWORKS LTD.

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Fremont, CA

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fees(s) are enclosed:

☒ Issue Fee☐ Publication Fee (No small entity discount permitted)☒ Advance Order - # of Copies 7


4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-2038 is attached.☒ The Director is hereby authorized to charge the required fee(s), or credit any overpayment to Deposit Account Number 50-3355 (enclose an extra copy of this form)

5. The following fees(s) are enclosed:

☒ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature: 

Date: June 21, 2005

Typed or printed name: Guy Yonay

Registration Number: 52,388

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering preparing, and submitting the completed application form to the USPTO. Time will vary depending on the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner of Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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Applicant(s): KANTSCHUK, Amir et al.

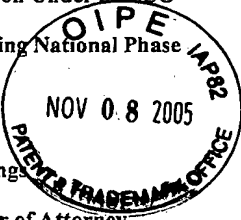
Serial No. /Patent No.: 09/721,759

PCZL Docket No.: P-3708-US

Hand Delivered on: June 20, 2005

Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT

1. ☐ Provisional Cover Sheet
2. ☐ Utility Patent Application Transmittal
3. ☐ RCE Transmittal Sheet
4. ☐ Fee Transmittal Sheet
5. ☐ Patent Application Under 35 USC 111(a)
- ☐ Provisional Patent Application Under 35 USC 111(b)
- ☐ Transmittal Sheet for Entering National Phase Containing:
- ___ Pages of Specification
- ___ Pages of Claims
- ___ Page of Abstract
- ___ Pages of Formal Drawing
- ___ Pages of ___
6. ☐ Signed Declaration & Power of Attorney
7. ☐ Request for Correction of Recordation of Assign. and:
- Recordation Cover Sheet
- Copy of Notice of Recordation of Assign.
8. ☐ Recordation of Assign. Cover Sheet & Signed Assign.
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- Statement Under 37 CFR 3.73(b)
- Copy of Assignment
22. ☒ Other: Comments on Statement of Reasons for Allowance & Change of Correspondence Address





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PTO/SB/122 (11-96)

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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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CHANGE OF CORRESPONDENCE ADDRESS Application Address to: Commissioner for Patents P. O. Box 1450 Alexandria, VA 22313-1450	Application Number	09/721,759
	Filing Date	November 27, 2000
	First Named Inventor	KANTSCHUK, Amir
	Group Art Unit	2637
	Examiner Name	LUGO, David B.
	Attorney Docket Number	P-3708-US

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Applicant



Assignee of record of the entire interest.
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Attorney or agent of record.

Typed or
Printed Name

Guy Yonay

Registration No.

52,388

Signature

Date

June 20, 2005

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Attorney Docket No.: P-3708-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: KANTSCHUK, Amir et al. Examiner: LUGO, David B.
Serial No.: 09/721,759 Group Art Unit: 2637
Filed: November 27, 2000
Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN
A MODEM POOL ENVIRONMENT

COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

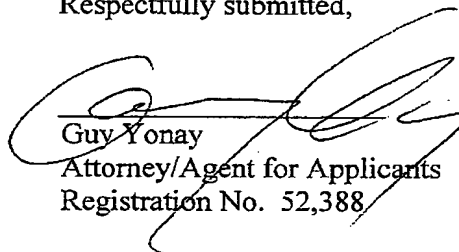
Applicants would like to thank the Examiner for the allowance of the subject application based on the distinctions enumerated in the "Statement for Reasons of Allowance". Applicants agree, without prejudice, that these distinctions provide sufficient basis for allowance of the application; however, Applicants respectfully submit that there may be alternative and/or additional patentable distinctions between the claimed invention and the cited prior art, related or unrelated to those explicitly addressed in the "Statement of Reasons for Allowance".

APPLICANT(S): KANTSCHUK, Amir et al.
SERIAL NO.: 09/721,759
FILED: November 27, 2000
Page 2

Should the Examiner have any question or comment as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned counsel at the telephone number below.

Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,


Guy Yonay
Attorney/Agent for Applicants
Registration No. 52,388

Dated: June 20, 2005

Pearl Cohen Zedek Latzer, LLP
10 Rockefeller Plaza, Suite 1001
New York, New York 10020
Tel: (212) 632-3480
Fax: (212) 632-3490



Applicant(s): KANTSCHUK, Amir et al.
Serial No. / Patent No.: 09/721,759

PCZL Docket No.: P-3708-US
Hand Delivered on: 21 June 2005

Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL
ENVIRONMENT

- 1. ☐ Provisional Cover Sheet
- 2. ☐ Utility Patent Application Transmittal
- 3. ☐ RCE Transmittal Sheet
- 4. ☐ Transmittal Sheet for Entering National Phase
- 5. ☐ Fee Transmittal Sheet
- 6. ☐ Patent Application Under 37 CFR 1.53 (b)
- ☐ Provisional Patent Application Under 37 CFR 1.53 (c)

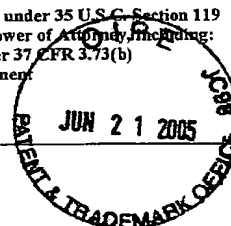
Containing:

— pages of Specification
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— page of Abstract
— pages of Informal Drawings
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- 7. ☐ Signed Declaration & Power of Attorney
- 8. ☐ Recordation of Assignment Cover Sheet & Signed Assignment
- 9. ☐ Request for Correction of Recordation of Assign. and:
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- Copy of Notice of Recordation of Assignment

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LSA# 639





Applicant(s): KANTSCHUK, Amir et al.		PCZL Docket No.: P-3708-US
Serial No. /Patent No.: 09/721,759		Hand Delivered on: 21 June 2005
Title: MODEM WAKE-UP IN SUPPORT OF CROSS-TALK CANCELLATION IN A MODEM POOL ENVIRONMENT		
1. <input type="checkbox"/> Provisional Cover Sheet	10. <input type="checkbox"/> Response to Notice to File Missing Parts	
2. <input type="checkbox"/> Utility Patent Application Transmittal	11. <input type="checkbox"/> Response to Notice of Incomplete Reply	
3. <input type="checkbox"/> RCE Transmittal Sheet	12. <input type="checkbox"/> Request for Correction of Filing Receipt	
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6. <input type="checkbox"/> Patent Application Under 37 CFR 1.53 (b)	15. <input checked="" type="checkbox"/> Comment on statement of reasons for allowance	
<input type="checkbox"/> Provisional Patent Application Under 37 CFR 1.53 (c)		
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	23. <input checked="" type="checkbox"/> Other: Change of Correspondence Address	
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